

September 23, 2013

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Mayor Lecklider called the Monday, September 23, 2013 Regular Meeting of Dublin City Council to order at 6:30 p.m. at the Dublin Municipal Building.

ADJOURNMENT TO EXECUTIVE SESSION

Mayor Lecklider moved to adjourn to executive session to discuss land acquisition matters (to consider the sale or purchase of property for public purposes), legal matters (to confer with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action), and collective bargaining matters (preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment).

Vice Mayor Salay seconded the motion.

Vote on the motion: Ms. Chinnici-Zuercher, yes; Mr. Keenan, yes; Vice Mayor Salay, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Mr. Reiner, yes.

The meeting was reconvened at 7:05 p.m.

PLEDGE OF ALLEGIANCE

Mr. Keenan led the Pledge of Allegiance.

ROLL CALL

Council members present were Mayor Lecklider, Vice Mayor Salay, Mrs. Boring, Ms. Chinnici-Zuercher, Mr. Gerber, Mr. Keenan and Mr. Reiner.

Staff members present were Ms. Grigsby, Mr. Smith, Ms. Mumma, Mr. McDaniel, Chief von Eckartsberg, Ms. Puskarcik, Mr. Hammersmith, Mr. Hahn, Mr. Gunderman, Mr. Syler, Mr. Wagner and Mr. Thurman.

SPECIAL PRESENTATION/PROCLAMATIONS

- Down Syndrome Awareness Month – accepted by Richard Bailey and daughter, Billie-Jo Bailey

Mayor Lecklider presented a proclamation to Richard Bailey and his daughter, Billie-Jo, in recognition of their artwork reflecting the joy and wonder of living with Down syndrome. Mr. Bailey, photographer and curator of the art exhibition, "Shifting Perspectives," and his daughter are visiting from London, England to be present at the opening of their current exhibition, "Shifting Perspectives: My Perspective," at the Dublin Arts Center on Tuesday, September 24.

Mr. Bailey expressed appreciation to Council for the recognition and to David Guion, Executive Director, Dublin Arts Council, for the opportunity to bring their exhibit to Dublin. Over the last eight years, they have produced a vast body of work that encompasses all aspects of Down syndrome. This is a fascinating and entertaining exhibition, which he urges everyone to go and experience.

Billie-Jo Bailey also thanked Council and the Dublin Arts Council, inviting everyone to visit the exhibition and provide her with feedback.

David Guion, Dublin Arts Council, thanked Council for their support and acknowledged Nationwide Children's Hospital, Cardinal Health and BMI Credit Union for their assistance in sponsoring this exhibition. They are grateful to have the Baileys present for a portion of this wonderful exhibition, which runs September 24 through November 8.

CITIZEN COMMENTS

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Richard J. Wolf, 9464 Nicholson Way, Dublin, Ohio addressed Council regarding the Tartan Ridge Community Authority. Through various means of communication, Tartan Ridge residents have attempted to make Council aware of the vexing situation they have been facing. He understands that efforts to address the issue may be occurring behind the scenes, but that does not alter the perception that nothing is being done. It is important to speak to Council again tonight because the Community Authority continues to take actions that are detrimental to the Dublin residents of Tartan Ridge. The situation has continued to deteriorate, as demonstrated by their actions this past month.

- On September 15, he received an email from Caleb Bell, legal counsel for Washington Township, containing information about the Township trustees' recent decision to amend their Community Authority community development charge, eliminating any fire and EMS millage being charged to their properties by the Authority. It will now be necessary for him to record an easement agreement against his parcel requesting fire and EMS services from Washington Township.
- This email raises several issues of concern. First, it appears that Washington Township intends to require the Jerome Township/City of Dublin residents of Tartan Ridge to sign an easement for Washington Township to continue to provide fire and EMS to them.
- Second, an amendment to the Declarations would be prepared and recorded with Union County. This Community Authority has made two previous unsuccessful attempts to amend the Declarations. At that time, an amendment required two-thirds approval by the Jerome Township portion of Tartan Ridge residents, which they failed to collect. Mr. Bell's email seems to indicate the residents' approval is no longer necessary – what has now changed? It also appears that the Tartan Ridge residents will not be provided an opportunity to review this amendment prior to its being recorded with Union County.
- As Council is aware, an issue with Tartan Ridge residents is that the Declarations were never disclosed to buyers prior to or during the closing process on their properties, as is required.
- This morning, he received a second email from Mr. Bell with information that the Community Authority did file an amendment. This action has set into motion a process that will create an extremely dangerous situation in which fire coverage within Tartan Ridge will be determined on a house-by-house basis, dependent upon whether the homeowner has signed an easement.
- The City should also be informed of the following recent discoveries, for which a formal investigation should be undertaken:
 1. As confirmed by Union County Commissioner Steve Stolte, the Community Authority board members never filed their bonds. As a quasi-governmental body politic form, pursuant to Ohio Revised Code 349.04, which is authorized to assess fees and taxes, how can this be allowed? The ORC requirement is that each member of the Board shall post a bond for the faithful performance of official duties and give surety therefor in such amount, but not less than \$10,000, as a resolution creating such board shall prescribe.
 2. The Community Authority clearly falsified to the Union County Auditor about their attempts to request payment of the fees. The Community Authority certified to the Union County Auditor over a number of years that Tartan Ridge residents were delinquent in their payments to the Community Authority when no attempts to invoice or collect these assessments were ever initiated by the Authority. An amount of \$88,000 was collected by the Union County Auditor over the past two years, and only \$2,700 of that was disbursed to Washington Township for fire and EMS services. What happened with the rest of these monies?

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3. The chair of the Community Authority is also the principal employee – the president of Edwards Land Company, and clearly appears to be breaching his fiduciary duty to act in the interest of the residents. Instead, he is acting in the interest of his employer. In fact, the sole beneficiary of any amendment made to the Declarations will be the Edwards Land Development Company, while the residents of Tartan Ridge will be required to make separate and private arrangements with Washington Township for provision of fire and EMS services.
4. Is this what the City of Dublin had in mind when the decision was made to annex this property into the City – that the Jerome Township residents should be required to privately hire Washington Township for fire and EMS services and that the City would become the billing agent?

He has approached many agencies regarding the situation – the State Attorney General's office, which sent him to the Ohio Ethics Commission, who sent him to the Union County Prosecutor, who sent him to the Union County Commissioners, who sent him back to the Ohio Ethics Commission, who told him it was not in their purview. Therefore, they are back to where they began.

The City of Dublin initiated this process in which arose a Community Authority, whose fundamental intent and purpose was to collect fire and EMS service fees from the Jerome Township residents of Tartan Ridge and disburse these funds to Washington Township. The situation has now evolved to the point that the Community Authority has abrogated its primary purpose, that being to collect and pay Washington Township for fire and EMS services solely so that Edwards Land Company can collect a road assessment fee. The chair of the Community Authority is also the president of the Edwards Land Development Company. How can this be seen as anything but a conflict of interest? Again, per Ohio Revised Code 349.04 "all trustees shall be empowered to vote on all matters within the authority of the Board of Trustees, and no vote by a member appointed by the developer shall be construed to give rise to civil or criminal liability for conflict of interest on the part of public officials." It is not disputed that this Community Authority has falsified and used questionable, if not deceptive, means to attain its objective to the detriment of the community residents. The Tartan Ridge Fire New Community Authority has governmental powers, but evidently has little, if any, apparent means of citizen or ethics oversight, and the board members have failed to file their bonds. The Community Authority has been given free rein to act independently and has placed its constituents in peril by not providing for fire and EMS services for the residents of Tartan Ridge – clearly an issue of public safety, for which prompt attention and resolution is required. To this point, every governmental agency that has been contacted by the residents – Jerome Township, Washington Township, City of Dublin, Union County Commissioners, Union County Prosecuting Attorney, Ohio State Attorney and the Ohio Ethics Commission – have all indicated personally to him that there are many questionable and concerning circumstances, but no one has offered any solutions. He is asking Council who is watching out for their constituents.

Finally, short of Jerome Township allowing them to be annexed into Washington Township by conforming the boundaries, he believes there is an extremely easy solution to this situation.

- First, the current Community Authority Declaration should be repealed. This will eliminate the flawed document that is currently in place.
- Second, a new Community Authority Declaration should be created that levies a fee to pay Washington Township fire and EMS service, applicable only to the Jerome Township residents and presented to those residents for adoption.

With these two simple steps, Dublin's original intent would be implemented. The only reason it has not happened to this point is that the Edwards Land Development and

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the Community Development Authority are more focused on paying for road improvements than they are on the safety of the residents of Tartan Ridge.

Mayor Lecklider asked the City Manager or Law Director to respond.

Ms. Grigsby stated that, as reported at the last City Council meeting, staff has been in conversations with representatives from Jerome Township and Washington Township over the last year and a half. The original intent was that the boundaries would be conformed and that this area would all be in Washington Township. That process was initiated, but Jerome Township trustees indicated they no longer wanted to pursue that mechanism to address the issue. Therefore, work has continued with Washington Township, and the solution determined was to sign the easement. It requires an additional process to be completed, but it will result in the same amount of fees being charged and collected in order to support the provision of fire and EMS service. There is a meeting tomorrow evening to continue this discussion. Over the weekend, the City received copies of the documents that were voted on at the last Community Authority meeting and recorded with Union County. They are continuing to work on a solution.

Mayor Lecklider stated that Chief Woo of Washington Township provided assurance to Council that Washington Township would respond to all calls to this subdivision.

Ms. Grigsby responded that the portion of Tartan Ridge within Jerome Township/City of Dublin is comprised of 90 lots. Sixty of those lots are owned by the developer, and the developer has signed the easements. Washington Township is working with the other 30 property owners to secure the easement signatures. A limited number of homeowners have not yet signed off on or processed the easements.

Mayor Lecklider stated that he believes the primary issue is public health and safety, and it does appear that is being addressed.

Ms. Grigsby responded that it is.

Mayor Lecklider asked if the potential solution is as simple as Mr. Wolf suggests. If it were, he assumes it would have been achieved by now.

Mr. Smith stated that Ms. Readler, Assistant Law Director, has been working on this issue for a year. She has been working with Caleb Bell, representing Washington Township, and with Greg Daniels, Squires, Sanders & Dempsey bond counsel, also representing Washington Township, to resolve this issue. The solution they recommended, believing it would work the best and quickest, was the creation of the easement. They created the easement, recorded it, all signed off on it, and he believes it will be presented tomorrow evening. He received the same email on Friday or Saturday that Mr. Wolf shared a few minutes ago. He called Mr. Daniels today, but they have not yet had an opportunity to discuss the issue.

Mayor Lecklider stated that it is worth noting that the City cannot force Jerome Township to concede their boundaries.

Mr. Gerber stated that community authorities have been successful in Ohio in the past. One clarification needed is in regard to oversight for the community authorities. Is there a body that provides oversight to ensure that they are complying with their bylaws and serving the communities according to their purpose?

Mr. Smith stated that the plan is to allow the meeting to proceed tomorrow, then talk with the Attorney General and the Union County Prosecutor. They seem to be the parties who may be able to address this question. He will provide a follow-up report to Council.

Ms. Grigsby responded that the composition of a community authority board is based upon the Ohio Revised Code. It sets the requirements, and the various jurisdictions have no ability to change that. The board is structured so that developers do have the majority of the voting members on the community authority board.

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Mr. Keenan stated that his concern is that the fire and EMS services are paid for and accomplished. Staff is pursuing that path. The second issue is what has transpired with this Community Authority. He prefers to deal with the service issues and funding of them at this point. Perhaps staff could provide an update for the next Council meeting.

Mr. Smith responded that they would attempt to do so.

Ms. Chinnici-Zuercher stated that in the original conversations that began several years ago, all the parties had the same goal. However, in the end, as has happened on other occasions, Jerome Township is the entity that ultimately refused to participate. Although this situation may not have been Dublin's responsibility, these citizens are residents within Dublin's corporation limits. Council needs to ensure this is moving forward toward a positive resolution. The Fire Chief has indicated previously that all of these residents are being served by Washington Township and will continue to receive excellent service while this situation is resolved.

Ms. Grigsby responded that point was made when the City began to have these recent discussions with Jerome Township. The City recognizes that these are its residents, and wants to work with the Township to find resolution. In regard to the billing that needs to occur, staff understands the issues of the Township with that, and have indicated the willingness to work with them to set up a billing mechanism.

Mr. Reiner stated that he does not understand Jerome Township's rights to be involved in this, and why they are not participating at a higher level.

Mr. Keenan stated that there is a long history involved – first and foremost with the U.S. 33 Corridor process that involved Marysville, Union County and every township in between, except for Jerome Township. Washington Township recently abdicated the entire area of the Hayden Run Corridor to Columbus, not asking for anything, because that was the right decision. There are issues with this situation, and an election is approaching.

Mr. Reiner responded that the present Jerome Township officials do not seem to be taking any action to remediate this problem.

Mr. Wolf stated that the purchasers of property in Tartan Ridge should have been presented with a declaration of province. In some cases that occurred; in others, it did not. The declaration as written basically states that they can collect a maximum of the amount of the Washington Township Fire and EMS fee – that is the most that they could charge. In the petition that formed the Community Authority, the developer also wanted to collect a road assessment for road improvements required by the City of Dublin. However, the declaration did not allow them the opportunity to collect both the fire/EMS fee and a four mills road assessment fee. In 2011 and 2012, the developer made two attempts to amend the declaration so he could collect both fees – but the attempts failed. Now, they are amending the declaration to achieve the same result without requiring a vote of the residents. If residents sign these easements, the Community Authority will have a blank check and can charge whatever they want without accountability for how the money is used. The original intent of the declaration was for the Community Authority to provide fire and EMS services to the residents of Tartan Ridge. This is the fundamental problem. The residents are aware that with execution of the easements, fire and EMS services will be ensured. The issue is that they signed contracts on our properties to which were attached the declaration of province and restrictions, and the way that was written did not accomplish what the developer intended. It is, however, what goes with their property, so the developer has been attempting to obtain that assessment fee in other ways. The way he has achieved it is to sever the fire and EMS responsibility, and now they can collect their four mills, because they are no longer limited by the cap in the declaration.

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Mr. Keenan noted that the document was always flawed because it was four mills for the roads. It was two-tenths of a mill for fire and EMS services.

Mr. Wolf responded that the declaration actually permits the developer to charge the maximum cap of the Washington fire and EMS services.

Mr. Keenan stated that the fire and EMS levy has never been two-tenths of a mill; it is typically 6 - 8 mills.

Mr. Wolf said he had every right to charge the full rate, and most of the residents of Jerome Township/City of Dublin would have been willing to pay Washington Township for those services. The document provided to them at closing ensured them that was the maximum he could assess them. Several legal reviews of the document confirm that, so the developer has been trying to revise the document. Now, bypassing residents, he has succeeded. The Community Authority legal counsel never provided any information to the residents. Caleb Bell, counsel for Washington Township, provided them a copy of the amended declaration today. The residents are more than happy to pay the full cost of their fire and EMS; it is the additional four mills to which they object.

Wallace Maurer, 7451 Dublin Road, Dublin:

1. Urges the citizens to attend the upcoming Down syndrome exhibit. Art is by definition an intense struggle, an attempt to clarify something that is seen despite obstacles within and without. Persons with Down syndrome have additional struggles. His reaction to the previous Down syndrome art exhibition was one of piercing insight. The discovery, which a person with Down syndrome has, is driven with additional force, and it is profoundly moving.
2. The last time he spoke before Council, he mentioned that he was lyrically moved when traversing the City to view the flowers the City had installed. This time when he moved around the City, it was something different. The large painted golf balls throughout the City present a stunning discovery, except for one – the one that says, "Dublin is an Attitude." To him, this is a mindless statement inviting mindless responses.
3. The last time he was present, the City was anticipating extending an invitation to university football coaches for another camp in Dublin, and had identified \$25,000 for that project. Football has nothing to do with a university, whose purpose is to examine the universe and life within that universe. The disruption and corruption of football adds nothing to that; it hinders it. He is opposed to this program.
4. Once he completes his three concerts, he plans to attend Council meetings again. He is fascinated with the electoral picture this time – it is conceivable that there could be an entirely new Council. He does not know how to read the electorate this time around.

CONSENT AGENDA

Mayor Lecklider noted that five items are proposed for action on the consent agenda. He asked whether any Council member requests removal of an item for further consideration under the regular agenda.

Mr. Keenan requested that Resolution 52-13 be moved from the consent agenda to the regular agenda.

Mayor Lecklider moved approval of the remaining four items on the consent agenda. Mr. Gerber seconded the motion.

Vote on the motion: Vice Mayor Salay, yes; Mr. Keenan, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mrs. Boring, yes.

- Approval of Minutes of 9-09-13 Council meeting

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- **Ordinance 77-13 (Introduction)**

Authorizing the City Manager to Enter into a Five-Year Extension of the Lease Agreement with the Dublin Chamber of Commerce for the City-owned Property at 129 S. High Street. (Second reading/public hearing October 14 Council meeting)

- **Resolution 53-13 (Introduction/vote)**

Accepting the Lowest and Best Bid for the River Forest Sanitary Improvement Project.

- Approval of Preliminary and Final Plat – Village at Coffman Park PUD

INTRODUCTION/FIRST READING – ORDINANCES

Ordinance 75-13

Appropriating a 1.836 Acres, More or Less, Fee Simple Interest; a 0.673 Acres, More or Less, Utility Easement; and a 0.088 Acres, More or Less, Temporary Construction Easement from the Thomas Family Limited Partnership.

Mr. Gerber introduced the ordinance.

Mr. McDaniel stated that Ordinances 75-13 and 76-13 are related and continue action in follow-up to the resolutions of intent that Council passed last month. The appropriation of the Thomas property is necessary for the extension of Emerald Phase.

Council had no questions.

There will be a second reading/public hearing at the October 14 Council meeting.

Ordinance 76-13

Appropriating a 0.300 Acres, More or Less, Fee Simple Interest with a 0.234 Acres, More or Less, Encumbered as Present Road Occupied from the Thomas Family Limited Partnership.

Mr. Gerber introduced the ordinance.

Mr. McDaniel indicated he has nothing additional to report.

There will be a second reading/public hearing at the October 14 Council meeting.

INTRODUCTION/PUBLIC HEARING/VOTE – RESOLUTIONS

Resolution 52-13

Authorizing the City Manager to Execute an Easement to AEP Ohio for the Property Located at 6353 Shier-Rings Road.

Mr. Gerber introduced the resolution.

Mr. Keenan stated that this easement is for the power line for a new automated truck and car wash for the City. This area backs up to a number of residential properties. Will there be issues with the noise or sounds from this site? How close to the back property line will this be located? Does the City already have a carwash?

Darryl Syler, City Fleet Commander, responded that there are no issues with noise from this site because there is an existing barricade along the City's property line. This will be located next to the City's existing carwash, which does not have a heavy-duty undercarriage wash component. This will provide power for an under-carriage carwash.

Ms. Grigsby pointed out that this facility will be located on the east end of the City's property, which does not back up to the residences of Kendall Ridge.

Vote on the Resolution: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Resolution 54-13

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Accepting the Amounts and Rates and Authorizing Tax Levies.

Mr. Gerber introduced the resolution.

Ms. Mumma stated that this is routine legislation brought forward each year. It is based on the Franklin County Budget Commission's determination of what property taxes will be received in the upcoming year based on the inside millage as well as the City's voted millage. It is consistent with the 2014-2018 CIP, which was passed last month, allocating .35 mills to the Parkland Acquisition Fund and the remaining 1.4 of the inside millage to the Capital Improvements Tax Fund for a total of 1.75 mills. The voted millage of 1.2 mills currently in place is for the Police Operating Levy. The effective rate for those residents is .204752. For commercial properties within Dublin, the effective rate of the 1.2 mills Police levy is .314205 mills. Council had no questions.

Vote on the Resolution: Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Keenan, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mayor Lecklider, yes; Vice Mayor Salay, yes.

Resolution 55-13

Adopting a Statement of Services for a Proposed Annexation of 4.6 Acres, More or Less, from Washington Township, Franklin County to the City of Dublin. (Applicant: Jay Eggspuehler; agent for applicant, Jackson Reynolds)

Mr. Gerber introduced the resolution.

Mr. Gunderman stated that the applicant has filed a petition for annexation, and it is necessary for the City to approve these two resolutions within 20 days of the filing date so that they will be available for the hearing on October 15. This acreage is east of Coffman Road, north of Forest Run, but accessed from Nature Drive, which may mean a future extension of that road. If this annexation is approved by the Franklin County Commissioners, the transcript will be sent to the City of Dublin and, per the statute, no action will be taken for 60 days after receipt of the transcript. At the next Council meeting after expiration of the 60 days, Council will consider first reading of an ordinance to accept the annexation.

Vice Mayor Salay stated that the Community Plan designation for this land indicates medium density. What will the actual dwelling units per acre be for this level of density?

Mr. Gunderman responded that he does not recall the actual density cited in the Community Plan for this area, but it will be a single-family density.

Mr. Reiner stated that Washington Township's zoning provided for four single-family homes on this property, but he assumes the City's zoning would allow more density.

Mr. Gunderman responded that the Rural zoning category that will automatically apply to this property once it is annexed would allow four units. The owner may desire to rezone the property at a later date, but it likely would not allow for more than four units.

Mr. Reiner stated that he was primarily interested in the income tax implications.

Ms. Chinnici-Zuercher inquired about the density in the Woods at Indian Run, which is immediately adjacent to this property.

Mr. Gunderman responded that, including the green space, it is approximately 2.0 – 2.5 units per acre.

Ms. Chinnici-Zuercher asked if the expectation would then be that a developer would request the same density level for the annexed area.

Mr. Gunderman responded that it is likely the most density the City would permit.

Ms. Chinnici-Zuercher stated that this property is adjacent to the Gabel property. Have there been any discussions with the Gabels about annexation?

Mr. Gunderman responded that the City has not had any discussions with the adjacent properties, but the applicant may have had such discussion.

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Ms. Chinnici-Zuercher inquired if the church property next to the Gabel property was annexed into Dublin.

Mr. Gunderman responded that the church property did annex into the City.

Mr. Reiner stated that the access to the property is in Washington Township. Will the City have to purchase right-of-way from the property owner?

Mr. Gunderman responded that if the density were low on this property, as expected, the extension of Nature Drive would be adequate to serve the property. In the future, should the other property owner seek annexation, it may be necessary to extend a street from Coffman – a more difficult process.

Ms. Chinnici-Zuercher stated that the applicant is requesting a waiver of the annexation fee, and staff recommends approval as that has occurred in the past. What are the statistics regarding the number of times the City has approved or disapproved these waiver requests?

Mr. Gunderman responded that he does not have statistics. Since the time of a large number of annexations on the west side of the City occurred approximately six years ago, many of the small annexations have been in islands of township, such as this. He believes all of those requested and received waivers.

Ms. Chinnici-Zuercher stated that she does not view this as an island, as it is a fairly large piece of property. However, her understanding was that this property was split and sold off. It was a vacant lot.

Mr. Gerber stated that he does not believe it has yet been split off.

Mrs. Boring inquired if the owner does request a rezoning, how would they obtain access to Coffman Road?

Mr. Gunderman responded that, initially, such access would be from Nature Drive.

Mrs. Boring noted that the City does not waive annexation fees for larger properties, only for the smaller pockets, which are encouraged to annex to the City for efficiency of service delivery.

Mr. Keenan stated that the City established a policy to that effect several years ago.

Ms. Grigsby added that the policy has actually been in place for 10-15 years. For all of the island areas of township within the City, the fee waivers have been approved by Council.

Ms. Chinnici-Zuercher asked if the front property is within Dublin.

Mr. Gunderman responded that it is not.

Ms. Chinnici-Zuercher asked for clarification of whether this front portion is included in the annexation petition.

Mr. Gunderman responded that it is not included in the request.

Mrs. Boring noted that during a future rezoning process, all of the residents of Forest Run Drive would likely voice their objections to the traffic generated by this development. This does not seem very practical from the aspect of safety concerns. All of those people will have only one way in and out.

Mr. Keenan stated that ingress/egress off Coffman Road will be difficult, due to the curb cuts in that area.

Ms. Chinnici-Zuercher stated that it might not be problematic if there are only four homes, but there may be three times that number.

Mayor Lecklider requested the applicant's representative to comment.

Jack Reynolds, Smith & Hale, 37 W. Broad Street, Columbus Ohio stated that the portion of the property to the rear is being split from the front property. The intention is to extend Nature Drive and develop a small subdivision with four lots. That should alleviate concerns regarding density. They have shared with Planning staff their

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concepts regarding the lot layout. The purchaser of the property is a resident of Dublin, has children in Dublin Coffman High School, and would like to maintain his residency within this school area. The access to the four units on the 4.6-acre tract will be from Nature Drive. They have heard Council's concerns, had anticipated them, and have taken them under advisement.

Mr. Gunderman asked if they will request a rezoning for the four lots.
Mr. Reynolds responded affirmatively.

Vote on Resolution 55-13: Vice Mayor Salay, yes; Mrs. Boring, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Gerber, yes.

Resolution 56-13

Adopting a Statement Regarding Possible Incompatible Land Uses and Zoning Buffer for a Proposed Annexation of 4.6 Acres, More or Less, from Washington Township, Franklin County to the City of Dublin, Ohio as Required by Section 709.023(C) of the Ohio Revised Code. (Applicant: Jay Eggspuehler; agent for applicant, Jackson Reynolds)

Mr. Gerber introduced the resolution.
Council had no additional questions.

Vote on Resolution 56-13: Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes; Mr. Reiner, yes; Mr. Gerber, yes; Vice Mayor Salay, yes; Mrs. Boring, yes.

Mayor Lecklider noted that action on the fee waiver request is scheduled for later on the agenda.

Resolution 57-13

Authorizing the City Manager to Execute a Cooperative Agreement with the Village of Shawnee Hills for the Construction of Intersection Improvements at Dublin Road and Glick Road.

Mr. Gerber introduced the resolution.

Ms. Grigsby stated that this resolution provides for the execution of a cooperative agreement between the City of Dublin and Shawnee Hills for the intersection improvements at Dublin and Glick Roads. The memo outlines the terms of the agreement, including the contributions from the entities. Engineering staff has been working with representatives from ODOT, Delaware County and the Village of Shawnee Hills in determining a solution for this intersection. Shawnee Hills will also be filing an OPWC grant application and loan application. They have received positive feedback from their discussions with Delaware County. The City contribution is estimated at approximately \$550,000, and the City currently has \$500,000 programmed in the five-year CIP. The additional \$250,000 loan that Shawnee Hills is requesting is a no-interest loan. The City is committed to retire that debt at \$25,000/year over the next 10 years through the State Highway Fund. They are hopeful of a speedy acquisition of the necessary right-of-way, so they can move forward with the intersection improvements. She is uncertain when the OPWC will make their decision on the grant.

Mr. Hammersmith responded that, typically, an initial indication is received in December or January.

Mayor Lecklider asked when construction could begin.

Mr. Hammersmith responded the earliest would be after July 1, 2014.

Mrs. Boring asked where in the language it indicates that Delaware County would sign on to this agreement.

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Ms. Grigsby responded that Delaware County and Union County would sign an agreement. Delaware County will commit to Shawnee Hills that the county will fund \$100,000 of the project. Dublin will also sign off on their agreement, verifying the adoption of this resolution by City Council.

Mr. Reiner stated that this is a longstanding issue, which has taken 16 years to address. The challenge was that it involved several jurisdictions, including the State of Ohio, Shawnee Hills, the City of Columbus and Delaware County. He thanked Ms. Grigsby and Mr. Hammersmith for their efforts. It is the community's northern access, and it is important to remedy the intersection to facilitate traffic movement.

Mrs. Boring noted that the design plans were not included in this packet.

Mr. Hammersmith noted that this is actually an interim solution. The complete improvement will require 25 years to achieve, given the impact on adjoining properties and the right-of-way acquisition necessary to extend these dedicated left-turn lanes further away from the intersection. This is called an interim solution for the next 10-15 years. With this project, the left turn lanes are shortened with less right-of-way impact to the adjoining properties. Staff believes this improvement will have a good "shelf life." What has been missing from the intersection is the dedicated left turn lanes, and the existing configuration has caused congestion and impacted safety.

Mr. Reiner asked for the stacking capability of this intersection after this improvement. Mr. Hammersmith responded that it is probably 15-20 cars, or approximately 225 feet of stacking capability.

Mayor Lecklider inquired if left turn arrows are anticipated.

Mr. Hammersmith responded affirmatively. The phasing process has not yet been determined. There will be protected lefts, but staff is not certain when that will occur, if the loops are set back, as is typical.

Vote on the Resolution: Vice Mayor Salay, yes; Mayor Lecklider, yes; Mr. Reiner, yes; Mr. Keenan, abstain; Ms. Chinnici-Zuercher, yes; Mr. Gerber, yes; Mrs. Boring, yes.

OTHER

- Request for Fee Waiver for 4.6 Acre Annexation from Washington Township to the City of Dublin (Applicant: Jay Eggspuehler; agent, Jackson Reynolds)

Ms. Grigsby stated that this request relates to the legislation approved earlier tonight. Staff recommends approval of the fee waiver of \$3,700.

Vote on the Waiver: Ms. Chinnici-Zuercher, yes; Vice Mayor Salay, yes; Mayor Lecklider, yes; Mrs. Boring, yes; Mr. Gerber, yes; Mr. Keenan, yes; Mr. Reiner, yes.

STAFF COMMENTS

Ms. Grigsby noted:

1. Potential Tour. A tour of area projects, including the Wagenbrenner project in Grandview and the Crawford Hoying project in Upper Arlington is proposed for Wednesday, October 9. The Clerk will poll Council members tomorrow regarding their interest in participating in that tour. An invitation will be extended to BZA, ARB and P&Z to participate as well.
2. Bridge Street District. Several memos and documents were provided to Council to make them aware of the questions that were raised at the September 16 workshop. The key item is the information that was distributed Friday regarding the public engagement process. Staff is looking at the October 22 homeowners association meeting as an opportunity to review the Bridge Street District and possibly have breakout groups that can discuss different elements of the Bridge

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Street District. Any feedback Council has regarding the public engagement can be forwarded to Mr. Foegler, Ms. Clarke or herself.

Vice Mayor Salay inquired if the potential Wagenbrenner project falls under the purview of the ARB.

Ms. Grigsby responded that it may; staff will check into that.

3. Fore!Fest. Information was provided in the meeting packet regarding Fore!Fest, which is the Presidents Cup celebration the City is hosting on Thursday, October 3. As part of that event, staff is requesting a waiver of the provisions of Section 111.09 of the Code, relating to Open Container, for designated areas within the Historic District for the period of 5 – 10 p.m.

Ms. Chinnici-Zuercher inquired if it is only for the areas that are being blocked off.

Ms. Grigsby confirmed that it is. Ms. LeRoy can provide additional information.

Ms. Chinnici-Zuercher inquired if attendees would be permitted to take an open container outside that enclosed area.

Ms. LeRoy responded that the area would be completely fenced off by the City's orange, freestanding fencing. In addition, attendees will not be permitted to carry open containers between that enclosed area and Brazenhead, or vice versa.

Ms. Chinnici-Zuercher moved to waive the provisions of Code Section 111.09 for designated areas within the Historic District for the period of 5 p.m. – 10 p.m., Thursday, October 3, 2013, in conjunction with the Fore!Fest event.

Mr. Keenan seconded the motion.

Vote on the motion: Mr. Gerber, yes; Mr. Reiner, yes; Vice Mayor Salay, no; Mrs. Boring, yes; Mayor Lecklider, yes; Mr. Keenan, yes; Ms. Chinnici-Zuercher, yes.

Vice Mayor Salay stated that a resident approached her today with concerns about traffic for this event. How will traffic be managed? Will it be difficult for those not attending Fore!Fest?

Ms. LeRoy responded that public information regarding these plans has been disseminated, and signs will soon be erected to make everyone aware of the event. She asked Chief Von Eckartsberg to share more detail about the traffic plans.

Chief Von Eckartsberg stated that there will be a soft closure for eastbound traffic at Frantz and US 33, and a hard closure at Corbins Mill, which will allow entrance into the Dublin plaza. For north to southbound traffic, there will be a soft closure at Emerald Parkway and a hard closure at the Library. For northbound traffic, there will be a soft closure at Rings Road and a hard closure at Short Street. There will be access to all the City parking lots. There should also be ample signage and education provided this week to prepare the public for this event. This will be similar to an event that occurred seven years ago -- the Great American Race -- which occurred on a weeknight during rush hour, and worked out well.

Ms. Chinnici-Zuercher asked if the City is working with the State to provide signage along the freeway, so that drivers do not unnecessarily attempt to exit at SR 161.

Chief Von Eckartsberg responded that they anticipate placing signboards this week. They have not been placed earlier as there are a limited number of signboards, and they are currently in use at the many construction sites around the City.

Mr. Gerber stated that not everyone reads the paper or checks the City's website regularly. For example, when the Irish Festival 5K races occurred, many residents complained that they either did not see or had not read the flyer that was distributed. He believes signage would be very helpful, and he believes it should be placed now. It is advisable to have the messaging and signage in place the week before the event. If it occurs earlier, people tend to forget.

Vice Mayor Salay asked about the anticipated attendance.

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Ms. LeRoy responded that they are anticipating 5,000-10,000. As a one-time event, it is hard to estimate.

Vice Mayor Salay observed that it will likely be very weather-dependent.

Mrs. Boring noted that staff's memo indicates there have been three attempts to contact residents in this area.

Ms. LeRoy responded that is correct. There was also a public meeting last Thursday evening, but only one resident attended.

Ms. Grigsby stated that there have also been discussions with the Historic Dublin Business Association (HDBA) regarding the road closures.

Ms. Puskarcik noted that the public information outreach extended past Sawmill Road and beyond Tuttle Road to advise people who might use the freeway during that timeframe. It also included the Marysville media and larger businesses.

Mr. Gerber stated that the questions he has heard relate to accessing parking for the event, so there may be additional need for that information.

Ms. Puskarcik responded that a letter with maps is being distributed tomorrow.

Ms. Grigsby continued:

4. I-270/U.S. 33 Interchange. Dublin has received additional funding for this interchange through MORPC. TRAC funding is also anticipated. At the August 12 Council meeting, information was shared concerning aesthetic enhancements and landscaping for the interchange. Ms. Ott and Ms. Willis have been working with ODOT, Mr. Guion of the Dublin Arts Council, and an artist and landscape designer on this project. Information is included in Council's packet regarding upcoming focus group discussions to obtain public feedback, and a flyer with that information will be distributed tomorrow.

COUNCIL ROUNDTABLE/COUNCIL COMMITTEE REPORTS

Mr. Reiner:

1. Wished Mr. Keenan a Happy Birthday!
2. Noted that he loves the golf ball art! They are very interesting and he has heard many positive comments about them. They are well done and representative of the people who were kind enough to sponsor them. He expressed thanks to the sponsors.
3. Announced that if the public is interested in providing feedback about the public art component of the I-270/US 33 interchange project, focus group meetings will be held on Monday, September 30 from 3:00-4:30 and 6:30-8:00 p.m. at the DCRC.
4. Congratulated Finance Director Ms. Mumma and the Finance Department for winning the GFOA Distinguished Budget Presentation Award, the highest form of recognition in government budgeting. This marks the 10th consecutive such award for the City. Ms. Grigsby began a great tradition, which Ms. Mumma is continuing. Congratulations!

Ms. Chinnici-Zuercher noted that she has a few questions related to some memos in the packet:

1. What time of day would the tentative October 9 project tour begin?

Ms. Grigsby responded that the timeframe is up to Council. Staff is suggesting a late afternoon/early evening start time, with dinner at Matt the Miller in Grandview before or after tours in Grandview and Upper Arlington.

Mrs. Boring noted that she would like to begin the tour in daylight for visibility reasons.

2. Appreciated the memo on the evaluations underway of the Bridge Street District zoning regulations. When is a final report of the recommended changes expected?

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Mr. Gunderman responded that the Planning Commission began their review last week and anticipate providing their recommendations to Council on the first section (Process) in two weeks. The Commission will request Council's signoff on the intent of the language. It would be helpful to have that confirmed as they proceed into review of the other sections, as many items are inter-related.

Ms. Chinnici-Zuercher noted that Council should have their recommendations regarding the Process portion for Council's second meeting in October. It is preferable to make the recommended changes to the Code this calendar year, and begin the new year with those changes in place.

3. Regarding the Ohio University multi-tenant building memo, on the second page it states that a modification of the economic development agreement may require Council Action. What type of change would require Council approval?

Mr. McDaniel stated that it would be necessary if they were to construct the building in such a way as to encroach in Subarea 1. He anticipates that it will be built on the original 14 acres with three buildings that they purchased, but it may overlap into Subarea 1. If that is the case, Subarea 1 has not been transferred completely, so it might be necessary to modify or finalize the transfer of that land, should the building encroach into that area. They have not yet seen a layout of the site, so that has not been determined.

Ms. Chinnici-Zuercher asked if the City is utilizing a team approach for review, as was done with Dublin Methodist Hospital.

Mr. McDaniel responded that the City has requested that as soon as OU has identified the successful RFP proposal, they meet with City staff to engage a team to provide assistance in the process. He also anticipates working with P&Z and Council on the public input process at an early stage, working with everyone simultaneously to enable them to meet their timeframes.

4. Office building parking demand memo. This was discussed at an earlier Council meeting. When could Council expect to receive the report that the memo references?

Mr. McDaniel responded that staff anticipates having the report in early December, and potentially a discussion with Council during that timeframe.

5. Reported that a MORPC board meeting was held last Thursday. She will share the materials with the Clerk and place a copy in Council's planning room. The Regional Policy Committee will be working on an update to its Public Policy Agenda. The current policy is available at the MORPC website, and if Council has any suggestions, please email them to her so they can be included in the consideration.

Mrs. Boring:

1. Referred to the memo regarding parking spaces. Her concern relates to the use of the buildings. For example, a call center may need more parking spaces, but those businesses tend not to be long-term. When they relocate, the City is left with all that paved area. In addition, their income tax generation is not as high as some other business types. She is concerned that the City consider this accommodation for the type of economic development projects that will benefit the City, not businesses that relocate quickly.

Mr. McDaniel responded that there are two components to this. One is the parking ratio issue. Much of that analysis will be in comparison to actual economic development deals that Dublin has competed for, and either won or lost. Staff will be able to share that information and where staff believes the buildings are not as competitive. That would involve different uses, such as medical, which have a different parking situation than shifted call centers. They are also looking at the competitiveness of the City's buildings relative to the changing dynamic in the workplace, how square footage is now used in new buildings, and how the older office buildings will be able to compete. The intent is to raise awareness of the trends. This will facilitate a good discussion on policy direction. Staff identified both Metro Center

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and Blazer Parkway as two commercial neighborhoods to consider for area plans in the upcoming budget. Council has discussed these neighborhoods specifically in regard to their competitiveness.

Mrs. Boring stated that Council had discussed this previously from the standpoint of losing significant green space for a particular use. She was concerned whether the use would make it worthwhile.

Mr. McDaniel noted that the City's commercial occupancy rate exceeds 85 percent. However, it is important to plan for the future in regard to keeping these office parks competitive, remaining sensitive to green space and landscaping throughout the study.

2. Reported that she is now a Certified Travel Ambassador and hopes Council members will take advantage of the program. It is interesting and demonstrates that Columbus has a lot to offer in regard to tourism. She mentioned Grandview Heights at the last Council meeting and it is listed as one of the Greater Columbus entertainment districts, along with German Village and the Brewery District. On the upcoming Grandview Heights tour, she encourages Council members to view it as an entertainment district identified by Experience Columbus. It will be interesting to observe their lively, outdoor patios. She encouraged Council members to participate the next time this program is made available. She learned much through the program, and now can serve as an official travel ambassador.

Mr. Keenan:

1. Gave kudos to the Service Department for the many positive comments he has heard about the City's appearance in preparation for the Presidents Cup. The golf ball public art project was a great success. In fact, the City probably could have sold more if they had been available.
2. Thanked Chief Von Eckartsberg for the follow-up report on the Police body cameras.

Mr. Gerber reported that he is participating in the Dublin Police Academy. It is very enlightening to learn what the Dublin Police division does on a daily basis, and how meticulous and professional they are. He encouraged everyone to participate in a class when they have an opportunity.

Vice Mayor Salay reported that at the last meeting, Rich Weber brought Council the Dublin Historical Society DVD. She attended the DHS program on Thursday night and found it very interesting. She encouraged Council members to take time to watch the DVD – it is very fascinating. There is also discussion about doing a re-make of the book that was published a few years ago. Dublin has a rich history, and it is important that everyone have an appreciation for it.

ADJOURNMENT

The meeting was adjourned at 8:08 p.m.

Mayor – Presiding Officer

Clerk of Council